

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JONTEE LAMAR BOYAKINS,)
)
 Petitioner,)
)
 vs.)
)
 WARDEN BRIAN)
 WILLIAMS, *et al.*,)
)
 Respondents.)
)
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2:12-cv-00549-JCM-PAL

ORDER

Jontee Lamar Boyakins, a Nevada prisoner, has submitted an application to proceed *in forma pauperis* (ECF #1), as well as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254 (ECF #s 1-1 and 2 pp. 2-44).

Petitioner's application to proceed *in forma pauperis* (ECF #1) is granted. The habeas petition shall be filed and docketed, and it shall be served upon the respondents. The clerk shall detach pages 2-44 of the document filed at #2, attach it to the beginning of the habeas petition at ECF #1-1 and file it as one complete habeas petition.

A petition for federal habeas corpus should include all claims for relief of which petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If petitioner is aware of any claim not included in his petition, he should notify the court of that as soon as possible, perhaps by means of a motion to amend his petition to add the claim.

1 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
2 *pauperis* (ECF #1) is **GRANTED**.

3 **IT IS FURTHER ORDERED** that the clerk shall **FILE** and **ELECTRONICALLY**
4 **SERVE** the petition (ECF #s1-1 and 2 pp. 2-44 as set forth in this order) on the respondents.


5 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
6 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other
7 response, respondents shall address any claims presented by petitioner in his petition as well as any
8 claims presented by petitioner in any statement of additional claims. Respondents shall raise all
9 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
10 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
11 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
12 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
13 **five (45) days** from the date of service of the answer to file a reply.

14 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the attorney
15 general of the State of Nevada a copy of every pleading, motion, or other document he submits for
16 consideration by the court. Petitioner shall include with the original paper submitted for filing a
17 certificate stating the date that a true and correct copy of the document was mailed to the attorney
18 general. The court may disregard any paper that does not include a certificate of service. After
19 respondents appear in this action, petitioner shall make such service upon the particular deputy attorney
20 general assigned to the case.

21 **IT IS FURTHER ORDERED** that any state court record exhibits filed by respondents
22 herein shall be filed with a separate index of exhibits identifying the exhibits by number or letter. The
23 CM/ECF attachments that are filed further shall be identified by the number or numbers (or letter or
24 letters) of the exhibits in the attachment. The hard copy of any additional state court record exhibits
25 shall be forwarded – for this case – to the staff attorneys in Reno.

1 **IT IS FURTHER ORDERED** that petitioner's motion for leave to file extra papers
2 (ECF #2) is **GRANTED**.

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4 Dated, this 17 day of April, 2012.

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6 
7 UNITED STATES DISTRICT JUDGE
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